IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE BILAL NAZKI**

**and**
**THE HON'BLE MR JUSTICE P.S.NARAYANA**

**WRIT PETITION NO : 23769 of 2003**

Between:

Mr.R.E.Raghavendra S/o. R.E.Krishna Murthy
R/o. 4th Main Road, Vasanth Nagar,
Bangalore

**..... PETITIONER**

AND

1 The Regional Transport officer Cum Registering Authority,
O/o.Regional Transport officer, Nandyal,Kurnool District
2 The Motor vehicle Inspector, O/o. Regional Transport officer,
Nandyal, Kurnool District
3 The Secretary, Regional Transport Authority,
Bangalore (North) Yaswanthapur, Bangalore-22

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or writ particularly in the nature of writ of Mandamus declaring the action of the respondents in detaining the vehicle and impounding the documents Rc.Fc.,Dl.,I.C., permit under vide VCR No.0382232 dt.04-11-2003 as illegal arbitrary and unjust and consequently direct the respondents to release the goods vehicle bearing Reg.No.KA-04-A-3668 so also the documents without insisting on payment of tax and pass such further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

**For the Petitioner: MR.K.MADHAVA REDDY,Advocate**

**For the Respondent Nos 1 an 2.: GP FOR TRANSPORT**

**For the respondent No.3: --**

**The Court Made the Following :**

ORDER: (Per Hon'ble Mr. Justice Bilal Nazki)

Heard learned counsel for the parties. The case of the petitioner is that though his vehicle was registered in Karnataka, he could ply it in the State of Andhra Pradesh also, because his place of business was Karnataka and in terms of Section 40 of the Motor Vehicles Act he had not violated any law by using the vehicle in the State of Andhra Pradesh. The vehicle had been seized which has been released on orders of this Court. It is a matter to be enquired into as to whether the petitioner could take refugee under Section 40 of the Motor Vehicles Act or not and it involves questions of fact. Therefore we direct the respondents to conduct an enquiry and pass orders in accordance with law after hearing the petitioner within two months from the date of receipt of a copy of this order. The writ petition is accordingly disposed of. No costs.

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BN J.

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PSN J.

Dt.5.7.2004

KR

To

1 **The Regional Transport officer Cum Registering Authority, O/o.Regional Transport officer, Nandyal,Kurnool District**
2 **The Motor vehicle Inspector, O/o.Regional Transport officer, Nandyal, Kurnool District**
3 **The Secretary, Regional Transport Authority, Bangalore (North) Yaswanthapur, Bangalore-22**

**4.** 2 CCs to GP for Transport, High Court Buildings, Hyderabad.(OUT)

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